

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:12CR100-1
(Judge Keeley)

PATRICK FRANKLIN ANDREWS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 572]

At a hearing before the Honorable John S. Kaull, United States Magistrate Judge, on September 16, 2014, the defendant made an oral motion to strike any reference to victim impact evidence (paragraph (k)) contained in the government's notice of intent to seek the death penalty. In response, the government represented that "it had made a strategic decision to not present any victim impact evidence during the penalty phase of this matter." (Dkt. No. 572 at 8). Accordingly, Judge Kaull entered a report and recommendation ("R&R"), in which he recommended that the Court grant the defendant's oral motion to strike paragraph (k) of the government's notice. The government does not object to Judge Kaull's recommendation.

Therefore, finding no clear error, the Court **ADOPTS** the R&R, and **STRIKES** paragraph (k) of the government's notice of intent to seek the death penalty.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order
to counsel of record.

DATED: March 13, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE